

UNITED STATES DISTRICT COURT

**DISTRICT OF ARIZONA
OFFICE OF THE CLERK**

RICHARD H. WEARE

DISTRICT COURT EXECUTIVE / CLERK OF COURT
SANDRA DAY O'CONNOR U. S. COURTHOUSE
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CHIEF DEPUTY CLERK
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TUCSON, ARIZONA 85701-5010

September 7, 2007

Clerk of Court
U.S. Federal Courthouse, 16th Floor
450 Golden Gate Ave
San Francisco, CA 94102-3434

FILED

SEP 11 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RE: USA v. Julio Lopez-Morales
Your case number: 4:07-70433-WDB (ND CA) (SEALED)
Arizona case number: 07-7249m (SEALED)

Dear Clerk of the Court:

The above charge originated in your district. The defendant has appeared before Magistrate Judge Michelle H. Burns in the District of Arizona. The following action has been taken.

- ☒ U S MARSHAL HAS BEEN ORDERED TO REMOVE THE DEFENDANT TO THE CHARGING DISTRICT.
- ☐ THE DEFENDANT HAS BEEN ORDERED TO APPEAR IN THE CHARGING DISTRICT ON:

Enclosed are the certified copies of the original documents in our file. Please certify receipt of the documents on the enclosed duplicate of this letter and return it to our office.

Sincerely,


RICHARD H. WEARE,
CLERK OF COURT/DISTRICT COURT EXECUTIVE

By: 

Phyllis Durbin
Deputy Clerk

Enclosures

The staff of the Clerk's Office ensures the effective, efficient and professional delivery of clerical and administrative services, while fostering a customer-friendly and employee-friendly environment.

Document No.

District Court
Criminal Case Processing

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT

US MARSHALS SERVICE
DIST. OF ARIZONA
Phoenix

ARIZONA

UNITED STATES OF AMERICA
V.2007 SEP -6 PM 4:05 COMMITMENT TO ANOTHER
DISTRICT

Julio Lopez-Morales

SEALED

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

07-07249M-001 (AZ)

4-07-70433-WDB (ND CA)

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

charging a violation of Title 8, U.S.C. § 1324(a)(1)(A)(ii)

DISTRICT OF OFFENSE

Northern District of California

DESCRIPTION OF CHARGES:

Knowing and in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transport, and move such alien within the United States by means of transportation and otherwise.

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☒ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) _____

Representation: ☐ Retained Own Counsel ☐ Federal Defender Organization ☒ CJA Attorney ☐ NoneInterpreter Required? ☐ No ☒ Yes Language: Spanish

DISTRICT OF ARIZONA

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

September 5, 2007

Date


 United States Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA - Phoenix

MAGISTRATE JUDGE'S MINUTES

DATE: 8/31/2007 CASE NUMBER: 07-07249M-001
SEALEDUSA vs. Julio Lopez-MoralesU.S. MAGISTRATE JUDGE: EDWARD C. VOSS #: 70BOA.U.S. Attorney Darcy A. CerowINTERPRETER Lita Van Duzer
LANGUAGE SpanishAttorney for Defendant Christopher Flores (CJA-appointed)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODYDOA 8/30/2007☒ Financial Afdvt taken☒ Initial Appearance☒ Appointment of counsel hearing held☒ Rule 5(c)(3)☐ Defendant Sworn☐ Financial Afdvt sealed☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset

Set for:

Before:

☒ Defendant ordered temporarily detained in the
custody of the United States Marshal☐ Defendant ordered released _____☐ Defendant continued detained pending trial☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset☐ Waived

Set for:

Before:

☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset☐ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed☐ Held to answer before District CourtSTATUS HEARING: re: ID/DH/PH☐ Held ☐ Con't ☐ ResetSet for: 9/5/07 at 1:30pmBefore: MAGISTRATE JUDGE BURNS

Other: _____

I hereby attest and certify on _____
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.

IA = 2 mins

CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA*P. Durbin*

Deputy

Recorded by Courtsmart

BY: Phylis Durbin

Deputy Clerk

cc: AUSA, CNSL, PTS

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA - Phoenix

MAGISTRATE JUDGE'S MINUTES

DATE: 9/5/2007CASE NUMBER: 07-07249M-001
SEALEDUSA vs. Julio Lopez-MoralesU.S. MAGISTRATE JUDGE: MICHELLE H. BURNS #: 70BTA.U.S. Attorney Darcy A. CerowINTERPRETER Patrick Brandlin
LANGUAGE SpanishAttorney for Defendant Chris Flores (Appointed)DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODYDOA ☐ Financial Afdvt taken☐ Initial Appearance☐ Appointment of counsel hearing held☒ Rule 5(c)(3)☐ Defendant Sworn☐ Financial Afdvt sealed☐ Defendant states true name to be . Further proceedings ORDERED
in Defendant's true name.**DETENTION HEARING:**☐ Held ☐ Con't ☒ Submitted ☐ Reset

Set for:

Before:

☐ Defendant ordered temporarily detained in the
custody of the United States Marshal☐ Defendant ordered released ☒ Defendant continued detained pending trial☒ Flight risk ☐ Danger**IDENTITY HEARING:**☐ Held ☐ Con't ☐ Submitted ☐ Reset☒ Waived

Set for:

Before:

☒ Warrant of removal issued.**PRELIMINARY HEARING:**☐ Held ☐ Con't ☐ Submitted ☐ Reset☒ Waived

Set for:

Before:

☐ Probable cause found ☐ Dismissed☒ Held to answer before District Court**STATUS HEARING: re: ID/DH/PH**☒ Held ☐ Con't ☐ Reset

Set for:

Before:

Other:

Recorded by Courtsmart

BY: Kathy Lara

Deputy Clerk

I hereby attest and certify on 9-7-07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONABy P. Deul

Deputy

SH: 1 min.

ID: 1 min.

DH: 1 min.

PH: 1 min.

cc: AUSA/Def Cnsl/USMS/PTS

Case 2:07-mj-07249-ECV *SEALED*

Document 3

Filed 09/05/2007

Page 1 of 1

SEALED

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
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SEP 05 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
DEPUTY	

WO

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA
v.

ORDER OF DETENTION PENDING TRIALJulio Lopez-MoralesCase Number: 07-07249M-001

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts are established: (Check one or both, as applicable.)

- ☐ by clear and convincing evidence the defendant is a danger to the community and require the detention of the defendant pending trial in this case.
- ☒ by a preponderance of the evidence the defendant is a serious flight risk and require the detention of the defendant pending trial in this case.

PART I -- FINDINGS OF FACT

- ☐ (1) The defendant has been convicted of a (federal offense)(state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
 - ☐ an offense for which the maximum sentence is life imprisonment or death.
 - ☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____
 - ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding 1 was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction)(release of the defendant from imprisonment) for the offense described in finding 1.
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____²
 - ☐ under 18 U.S.C. § 924(c)
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

- ☒ (1) There is a serious risk that the defendant will flee; no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☐ (2) No condition or combination of conditions will reasonably assure the safety of others and the community.
- ☐ (3) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).
- ☐ (4) _____

¹Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

²Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

PART II -- WRITTEN STATEMENT OF REASONS FOR DETENTION
(Check one or both, as applicable.)

☐ (1) I find that the credible testimony and information³ submitted at the hearing establishes by clear and convincing evidence as to danger that:

- ☐ (2) I find that a preponderance of the evidence as to risk of flight that:
- ☒ The defendant is not a citizen of the United States.
 - ☒ The defendant, at the time of the charged offense, was in the United States illegally.
 - ☒ If released herein, the defendant faces deportation proceedings by the Bureau of Immigration and Customs Enforcement, placing him/her beyond the jurisdiction of this Court.
 - ☒ The defendant has no significant contacts in the United States or in the District of Arizona.
 - ☐ The defendant has no resources in the United States from which he/she might make a bond reasonably calculated to assure his/her future appearance.
 - ☐ The defendant has a prior criminal history.
 - ☐ The defendant lives and works in Mexico.
 - ☐ The defendant is an amnesty applicant but has no substantial ties in Arizona or in the United States and has substantial family ties to Mexico.
 - ☐ There is a record of prior failure to appear in court as ordered.
 - ☐ The defendant attempted to evade law enforcement contact by fleeing from law enforcement.
 - ☐ The defendant is facing a minimum mandatory of _____ incarceration and a maximum of _____

☒ The defendant does not dispute the information contained in the Pretrial Services Report, except:

☐ In addition:

The Court incorporates by reference the findings of the Pretrial Services Agency which were reviewed by the Court at the time of the hearing in this matter.

³ "The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the [detention] hearing." 18 U.S.C. § 3142(f). See 18 U.S.C. § 3142(g) for the factors to be taken into account.

PART III -- DIRECTIONS REGARDING DETENTION

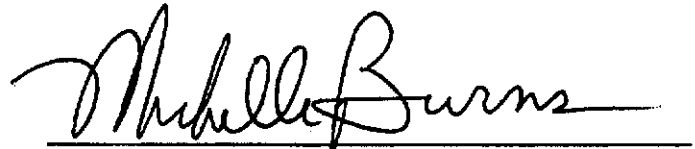
The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

PART IV -- APPEALS AND THIRD PARTY RELEASE

IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the District Court.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATE: September 5, 2007


MICHELLE H. BURNS
United States Magistrate Judge

I hereby attest and certify on 9-7-07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA

By P. Durb Deputy

SEALED

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
SEP 05 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
ARIZONA	DEPUTY

AO 466A (Rev. 10/03) Waiver of Rule 5 & 5.1 Hearings

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF

ARIZONA

DEPUTY

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS
 (Complaint/Indictment)

J. Lopez - Morales
 Defendant

CASE NUMBER:

07-7249MCHARGING DISTRICTS
CASE NUMBER:4-07-70433 WPB

I understand that charges are pending in the Northern District of California
 alleging violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and that I have been arrested in this district and
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution;
- (4) a detention hearing to determine whether I can be released pending further proceedings; and
- (5) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (☒) identity hearing
- (☒) preliminary hearing
- () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.
- () I reserve my right to have a detention hearing in the prosecuting district.

Defendant

Defense Counsel

Date

I hereby attest and certify on 9-7-07
 that the foregoing document is a full, true and correct
 copy of the original on file in my office and in my custody.

 CLERK, U.S. DISTRICT COURT
 DISTRICT OF ARIZONA

By

P. Durbin

Deputy

CLOSED

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:07-mj-07249-ECV All Defendants *SEALED*
Internal Use Only**

Case title: USA v. Lopez-Morales Date Filed: 08/30/2007
Other court case number: 4:07-70433 USDC ND California Date Terminated: 09/07/2007

Assigned to: Magistrate Judge Edward
C Voss

Defendant

Julio Lopez-Morales (1)
TERMINATED: 09/07/2007

represented by **Christopher Alan Flores**
Law Office of Christopher A Flores
337 N 4th Ave
Phoenix, AZ 85003
602-271-0070
Fax: 602-252-1922
Email: amflegal@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

I hereby attest and certify on 9-7-07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my custody.

Highest Offense Level (Terminated)

None

CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA

By P. Durbin Deputy

Complaints

8:1324(a)(1)(A)(ii) Knowing or
Disregard of the Fact that an Alien has
Come to, Entered, or Remains in United
States

Plaintiff**USA**

represented by **Darcy A Cerow**
 US Attorney's Office
 40 N Central Ave
 Ste 1200
 Phoenix, AZ 85004-4408
 602-514-7500
 Fax: 602-364-7929
 Email: Darcy.Cerow@USDOJ.GOV
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/30/2007	●	(Court only) Case sealed (per defendant) as to Julio Lopez-Morales (MAP) (Entered: 09/04/2007)
08/30/2007	●	Arrest of Julio Lopez-Morales (MAP) (Entered: 09/04/2007)
08/30/2007	● <u>1</u>	Sealed Rule 5(c)(3) Documents Received as to Julio Lopez-Morales (MAP) (Entered: 09/04/2007)
08/31/2007	● <u>2</u>	Minute Entry for proceedings held before Judge Edward C Voss : Initial Appearance in Rule 5(c)(3) Proceedings as to Julio Lopez-Morales held on 8/31/2007. Attorney Appointment Hearing held on 8/31/2007. Appointing Christopher Alan Flores with Appointment Type: CJA. FINANCIAL AFFIDAVIT TAKEN. Interpreter Info: SPANISH. Status Conference re ID/DH/PH set for 9/5/2007 01:30 PM before Magistrate Judge Michelle H Burns.(Court Reporter COURTSMA RT). (MAP) (Entered: 09/04/2007)
09/05/2007	● <u>3</u>	Minute Entry for proceedings held before Judge Michelle H Burns : Detention Hearing as to Julio Lopez-Morales submitted on 9/5/2007. Rule 5(c)(3) Identity Hearing as to Julio Lopez-Morales waived on 9/5/2007. Warrant of Removal to be issued. Preliminary Examination as to Julio Lopez-Morales waived. Status Conference re ID/DH/PH as to Julio Lopez-Morales held on 9/5/2007. (Court Reporter COURTSMA RT). (cc: AUSA/Dft's Cnsl/USMS/PTS) (MAP) (Entered: 09/07/2007)
09/05/2007	● <u>4</u>	ORDER OF DETENTION as to Julio Lopez-Morales. Signed by Judge Michelle H Burns on 9/5/07.(MAP) (Entered: 09/07/2007)
09/05/2007	● <u>5</u>	Sealed Waiver of Rule 5 & 5.1 Hearings by Julio Lopez-Morales (MAP) (Entered: 09/07/2007)
09/07/2007	● <u>6</u>	COMMITMENT TO ANOTHER DISTRICT ORDER as to Julio Lopez-Morales. Signed by Judge Michelle H Burns on 9/5/07.(MAP) (Entered: 09/07/2007)
09/07/2007	●	(Court only) ***Terminated defendant Julio Lopez-Morales, pending

	deadlines, motions and excludables. Re <u>6</u> Order., ***Set/Clear Flags as to Julio Lopez-Morales (MAP) (Entered: 09/07/2007)
--	--